

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
NEW BERN DIVISION**

In re:

Case No. 19-04512-5-DMW

Tresia Ann Treloar,

Chapter 13

Debtor.(s)

OBJECTION TO CONFIRMATION

AutoMoney, Inc. (“Creditor”) a secured creditor in the above captioned case, by and through its undersigned attorney, hereby files its Objection to Confirmation of the filed plan (D.E. 38) (“Objection”), on the following grounds:

Facts

1. AutoMoney, Inc.¹. asserts a security interest in a 2010 Ford F-150 pickup truck.
2. The Debtor provides for treatment of Creditor’s claim in paragraph 3.5 of the Plan filed December 9, 2019.
3. Creditor has received no Motion or Notice of Motion to avoid Lien as required under section 3.5 of the Plan and Fed. R. Bankr. P. 4003(d).

Argument

4. Because no motion and notice were provided, Creditor cannot determine what if any grounds the Debtor has to seek lien avoidance pursuant to 11 U.S.C. § 522 (f).
5. Creditor believes that there are no such grounds as the collateral is a vehicle and does not qualify under any of the enumerated property types that are subject to judicial lien avoidance under 11 U.S.C. § 522(f)(1).
6. As such the Plan should not be confirmed as it does not comply with the necessary requirements to avoid a lien due to lack of appropriate notice.

¹ AutoMoney, Inc. does business as AutoMoney Inc. of Dillon No 2 and appears on the Debtor’s schedules and the proof of claim filed with this court under the d/b/a.

WHEREFORE, Movant respectfully requests that:

1. That the confirmation of the Debtor's Plan be denied;
2. That this matter be set for a hearing;
3. and to award any additional relief as the Court may deem proper.

Date Filed: February 11, 2020

Markham Law Firm, LLC

/s/ Sean Markham
Sean Markham I.D. # 54200
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CERTIFICATE OF SERVICE

The undersigned, of 171 Church St., STE 330, Charleston, SC 29401 certifies:

That I, Sean Markham, an attorney with the Markham Law Firm, LLC, do hereby certify that I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age; that on today's date, I electronically filed the foregoing OBJECTION TO CONFIRMATION with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the parties listed below. I further certify that I have mailed the document to the non CM/ECF participants as set out below by first class mail.

I certify under penalty of perjury that the foregoing is true and correct.

Date of Service February 11, 2020

/s/Sean Markham
Sean Markham, I.D. # 54200
Attorney for AutoMoney, Inc.
PO Box 20074
Charleston, SC 29413-0074
(843) 284-3646

**Tresia Ann Treloar 300 Weatherford Drive Jacksonville, NC 28540 VIA FIRST
CLASS MAIL**

**Joseph A. Bledsoe, III Chapter 13 Trustee P.O. Box 1618 New Bern, North Carolina
28563 VIA CM/ECF ELECTRONIC MAILING**